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BOSTON,
In the HOUSE of REPRESENTATIVES, *January* 27, 1773.

ORDERED, That Mr. Adams, Mr. Hancock, Mr. Bacon, Col. Bowers, Major Hawley, Capt. Darby, Mr. Phillips, Col. Thayer, and Col. Stockbridge, be a Committee to wait on His Excellency the Governor with the following ANSWER to his SPEECH to both Houses, at the opening of this Session, viz.

MAY IT PLEASE YOUR EXCELLENCY,

YOUR Excellency's speech to the General Assembly at the opening of this Session, has been read with great attention in this House.

We fully agree with your Excellency, that our own happiness as well as his Majesty's service, very much depends upon peace and order; and we shall at all times take such measures as are consistent with our constitution and the rights of the people to promote and maintain them. That the government at present is in a very disturbed state is apparent: But we cannot attribe it to the people's having adopted unconstitutional principles, which seems to be the cause assigned for it by your Excellency. It appears to us to have been occasioned rather, by the British House of Commons assuming and exercising a power inconsistent with the freedom of the constitution to give and grant the property of the colonists, and appropriate the same without their consent.

It is needless for us to enquire what were the principles that induced the councils of the nation to so new and unprecedented a measure. But when the parliament by an act of their own expressly declared, that the King, Lords and Commons of the nation "have, had, and of right ought to have full power and authority to make laws and statutes of sufficient force and validity to bind the colonies and people of America, subjects of the crown of Great-Britain, in all cases whatever," and in consequence hereof another revenue act was made, the minds of the people were filled with anxiety, and they were justly alarmed with apprehensions of the total extinction of their liberties.

The result of the free enquiries of many persons into the right of the parliament to exercise such a power over the colonies, seems in your Excellency's opinion to be the cause of what you are pleased to call the present "disturbed and disordered state of the government;" upon which you "may not any longer consist with your duty to the King and your regard to the interest of the province delay communicating your sentiments." But that the principles adopted in consequence hereof, are unconstitutional, is a subject of enquiry. We know of no such disorders arising therefrom as are mentioned by your Excellency. If grand-jurors have not on their oaths found such offences, as your Excellency with the advice of his Majesty's council have ordered to be prosecuted, it is to be presumed they have followed the dictates of good conscience. They are the constitutional judges of these matters, and it is not to be supposed that moved from corrupt principles, they have suffered offenders to escape a prosecution, and thus supported and encouraged them to go on offending. If any part of authority, shall in an unconstitutional manner, interpose in any matter, it will be no wonder if it is brought into contempt; to the lessening or confounding of that subordination which is necessary to a well regulated state. Your Excellency's representation that the bands of government are weakened, we humbly conceive to be without good grounds; though we must own the heavy burthens unconstitutionally brought upon the people have been and still are universally and very justly complained of as a grievance.

You are pleased to say that "when our predecessors first took possession of this plantation or colony, under a grant and charter from the crown of England, it was their sense and it was the sense of the kingdom, that they were to remain subject to the supreme authority of parliament;" whereby we understand your Excellency to mean in the sense of the declaratory act of parliament aforementioned, in all cases whatever. And indeed it is difficult, if possible, to draw a line of distinction between the universal authority of parliament over the colonies and no authority at all. It is therefore necessary for us to enquire how it appears, for your Excellency has not shown it to us, that when or at the time that our predecessors took possession of this plantation or colony, under a grant and charter from the crown of England, it was *their sense*, and the sense of *the kingdom*, that they were to remain subject to the supreme authority of parliament. In making this enquiry, we shall, according to your Excellency's recommendation, treat the subject with calmness and candor, and also with a due regard to truth.

Previous to a strict consideration of the charter granted to this province or colony, and the better to elucidate the true sense and meaning of it, we would take a view of the state of the English North-American continent at the time when and after possession was first taken of any part of it, by the Europeans. It was then possessed by heathen and barbarous people, who had never-theless all that right to the soil and sovereignty in and over the lands they possessed, which God had originally given to man. Whether their being heathen, inferred any right or authority to christian Princes, a right which has long been assumed by the Pope, to dispose of their lands to others, we will leave to your Excellency or any one of understanding and impartial judgment to consider. It is certain they had in no other sense forfeited them to any power in Europe. Should the doctrine be admitted that the discovery of lands owned and possessed by Pagan people, gives to any christian Prince a right and title to the dominion and property, still it is vested in the crown alone. It was an acquisition of foreign territory, not annexed to the realm of England, and therefore at the absolute disposal of the crown. For we take it to be a settled point, that the King has a constitutional prerogative to dispose of and alienate any part of his territories not annexed to the realm. In the exercise of this prerogative, Queen Elizabeth granted the first American charter; and claiming a right by virtue of discovery, then supposed to be valid, to the lands which are now possessed by the colony of Virginia, she conveyed to Sir Walter Rawleigh, the property, dominion and sovereignty thereof, to be held of the crown by homage, and a certain render, without any reservation to herself of any share in the legislative and executive authority. After the attainder of Sir Walter, King James the first created two Virginia companies, to be governed each by laws transmitted to them by his Majesty and not by the parliament, with power to establish and cause to be made a coin to pass current among them; and vested with all liberties, franchises and immunities within any of his other dominions to all intents and purposes as if they had been abiding, and born *within the realm*. A declaration similar to this is contained in the first charter of this colony, and in those of other American colonies, which shows that the colonies were not intended or considered to be within the realm of England, tho' within the allegiance of the English crown. After this another charter was granted by the same King James to the Treasurer and company of Virginia, vesting them with full power and authority, to make, ordain and establish all manner of orders, laws, directions, instructions, forms and ceremonies of government, and magistracy, fit and necessary, and the same to abrogate, &c. without any reservation for securing their subjection to the parliament and future laws of England. A third charter was afterwards granted by the same King to the Treasurer and Company of Virginia, vesting them with power and authority to make laws, with an addition of this clause, "so always that the same be not contrary to the laws and statutes of this our realm of England." The same clause was afterwards copied into the charter of this and other colonies, with certain variations, such as that these laws should be "consonant to reason," "not repugnant to the laws of England," "as nearly as conveniently may be to the laws, statutes and rights of England," &c. These modes of expression convey the same meaning, and serve to shew an intention that the laws of the colonies should be as much as possible, conformant in the spirit of them to the principles and fundamental laws of the English constitution, its rights and statutes then in being, and by no means to bind the colonies to a subjection to the supreme authority of the English parliament. And that this is the true intention, we think it further evident from this consideration, that no acts of any colony legislative, are ever brought into parliament for inspection there, tho' the laws made in some of them, like the acts of the British parliament are laid before the King for his assent or disallowance.

We have brought the first American charters into view, and the state of the country when they were granted, to show that the right of disposing of the lands was in the opinion of those times vested solely in the crown—that the several charters conveyed to the grantees, who should settle upon the territories therein granted, all the powers necessary to constitute them free and distinct states—and that the fundamental laws of the English constitution should be the certain and established rule of legislation to which the laws to be made in the several colonies were to be as nearly as conveniently might be, conformable or similar, which was the true intent and import of the words, "not repugnant to the laws of England," "consonant to reason," and other variant expressions in the different charters. And we would add, that the King in some of the charters reserves the right to judge of the consonance and similarity of their laws, with the English constitution to himself and not to the parliament, and in consequence thereof to affirm, or within a limitted time, disallow them.

These charters as well as that afterwards granted to Lord Baltimore, and other charters are repugnant to the idea of parliamentary authority; and to suppose a parliamentary authority over the colonies under such charters, would necessarily induce that solecism in politics *imperium in imperio*. And the King's repeatedly exercising the prerogative of disposing of the American territory by such charters, together with the silence of the nation thereupon, is an evidence that it was an acknowledged prerogative.

But further to show the sense of the English crown and nation that the American colonists, and our predecessors in particular, when they first took possession of this country by a grant and charter, did not remain subject to the supreme authority of parliament, we beg leave to observe, that when a bill was offered by the two Houses of Parliament to King Charles the first, granting to the subjects of England the free liberty of fishing on the coast of America, he refused his royal assent, declaring as a reason, that "the colonies were *without the realm and jurisdiction of parliament*." (4)

In like manner, his predecessor James the first, had before declared upon a similar occasion, that "America *was not annexed to the realm*, and it was not fitting that parliament should make laws for those countries." (5) his reason was, not secretly, but openly declared in parliament. If then, the colonies were not annexed to the realm, at the time when their charters were granted, they never could be afterwards, without their own special consent, which has never since been had, or even asked. If they are not now annexed to the realm they are not a part of the kingdom, and consequently not subject to the legislative authority of the kingdom. For no country, by the common law, was subject to the laws or to the parliament, but the realm of England.

We would, if your Excellency pleases, subjoin an instance of conduct in King Charles the second, singular indeed, but important to our purpose, who, in 1679, framed an act for a permanent revenue for the support of Virginia, and sent it there by Lord Colpepper, the Governor of that colony; which was afterwards passed into a law, and "*Enacted by the King's most excellent Majesty, by and with the consent of the General Assembly of Virginia.*" (6) If the King had judged that colony to be a part of the realm, he would not, nor could he consistently with Magn. Charta, (7) have placed himself at the head of, and joined with any legislative body in making a law to tax the people there, other than the Lords and Commons of England.

Having taken a view of the several charters of the first colony in America, if we look into the old charter of this colony, we shall find it to be grounded on the same principle, that the right of disposing the territory granted therein was vested in the crown, as being that christian sovereign who first discovered it, when in the possession of heathen; that it was considered as being out within the realm, but only within the free and seigniory of the King. As therefore it was without the realm of England, must not the King, if he had designed that the parliament should have had any authority over it, have made a special reservation for that purpose, which was not done.

Your Excellency says "it appears from the charter itself, to have been the sense of our predecessors who first took possession of this plantation or colony, that they were to remain subject to the authority of Parliament. You have not been pleased to point out to us how this appears from the charter, unless it be in the observation you make on the above-mentioned clause, viz. "That a favourable construction has been put upon this clause, when it has been allowed to intend such laws of England only as are expressly made to respect us," which you say "is by the charter a reserve of power and authority to Parliament to bind us by such laws at least as are made expressly to refer to us, and consequently is a limit of the power given to the General Court." But we would still recur to the charter itself, and ask your Excellency how this appears from thence to have been the sense of our predecessors? Is any reservation of power and authority to parliament thus to bind us, expressed or implied in the charter? It is evident, that King Charles the first, the very prince who granted it, as well as his predecessor, had no such idea of the supreme authority of parliament over the colony, from their declarations before recited. Your Excellency will then allow us further to ask, by what authority in reason or equity the parliament can enforce a construction so *unfavourable* to us. *Quod ab initio injustum est, nullum potest habere juris effectum*, said *Grotius*. Which with submission to your Excellency may be rendered thus, Whatever is originally in its nature wrong, can never be sanctified or made right by repetition and use.

In solemn agreements subsequent restrictions ought never to be allowed. The celebrated author whom your Excellency has quoted tells, us that "neither the one nor the other of the interested or contracting powers hath a right to interpret at pleasure." This we mention to show, even upon a supposition that the parliament had been a party to the contract, the invalidity of any of its subsequent acts, to explain any clause in the charter; more especially to restrict or make void any clause granted therein to the General Court. An agreement ought to be interpreted "in such a manner as that it may have *its effect*." But if your Excellency's interpretation of this clause is just, "that it is a reserve of power and authority to parliament to bind us by such laws as are made expressly to refer to us," it is not only "a limitation of the power given to the General Court" to legislate, but it may whenever the parliament shall think fit, render it of *no effect*; for it puts it in the power of parliament to bind us by as many laws as they please, and even to restrain us from making any laws at all. If your Excellency's assertion in this and the next succeeding part of your speech were well grounded, the conclusion would be undeniable, that the charter, even in this clause, "does not confer or reserve any liberties" worth enjoying "but what would have been enjoyed without it," saving that within any of his Majesty's dominions we are to be considered barely as *not aliens*. You are pleased to say, it cannot "be contended that

(5) vid pa. 998 Vol. 2.
(6) vid page 953 Vol. 2.
(7) vid Magna Charta page 790. Vol. 2.
(a) See on Gov. Barnard's Conduct pa. 154, 1st Column Vol. 2. — also page 479, Vol. 2.
(b) vide the Gov. Reply page 242
(c) The pillars of the Constitution British as magna Charta, 1 see pa. 799 1050; petition of right pa. 816. — Bill of rights pa. 1053, Vol. 2. (d) see on Common Law pa. 964 Vol. 2. 84 pa. 691.

(a) see pa. 213 (b) vid Hutchs Letter pa. 790. Vol. 1. — 309. Vol. 2. (c) vid the act pa. 792. Vol. 1 (d) vid Sea acts pa. 735. Vol. 1 (e) see Index under Towns to see proceedings, &c. alluding to Grand Jury's not finding a Bill against Mucaw Tyomoke see page 38 (f) vid pa. 611 (g) vid left of Infringements pa. 1100. (h) see our present Charter 1077 Vol. 1 (i) vid pa. 950 Vol. 1 (k) vid pa. 958 Vol. 2 (l) vide pa. 478 (m) vid pa. 958 Vol. 2 (n) vide pa. 478

by the liberties of free and natural subjects" (which are expreſſly granted in the charter to all intents, purpoſes and conſtructions whatever) "is to be underſtood an exemption from acts of parliament becauſe not repreſented there; ſeeing it is provided by the ſame charter that ſuch acts ſhall be in force." If, ſays an eminent lawyer, "the King grants to the town of D. the ſame liberties which London has, this ſhall be intended the like liberties." A grant of the liberties of free and natural ſubjects is equivalent to a grant of the ſame liberties. And the King in the firſt charter to this colony expreſſly grants that it "ſhall be conſtrued, reputed and adjudged in all caſes moſt favourable on the behalf and for the benefit and behoof of the ſaid Governor and Company and their ſucceſſors—any matter, cauſe or thing whatſoever to the contrary notwithſtanding." It is one of the liberties of free and natural ſubjects, born and abiding within the realm, to be governed as your Excellency obſerves, "by laws made by perſons in whoſe election they from time to time have a voice." This is an eſſential right. For nothing is more evident, than that any people who are ſubject to the unlimited power of another muſt be in a ſtate of abject ſlavery. It was eaſily and plainly foreſeen that the right of repreſentation in the Engliſh parliament could not be exerciſed by the people of this colony. It would be impracticable, if conſiſtent with the Engliſh conſtitution. And for this reaſon, that this colony might have and enjoy all the liberties and immunities of free and natural ſubjects within the realm as ſtipulated in the charter it was neceſſary, and a legiſlative was accordingly conſtituted within the colony, one branch of which conſiſts of repreſentatives choſen by the people to make all laws, ſtatutes, ordinances, &c. for the well ordering and governing the ſame, not repugnant to the laws of England, or, as nearly as conveniently might be, agreeable to the fundamental laws of the Engliſh conſtitution. We are therefore ſtill at a loſs to conceive where your Excellency finds it, "*provided* in the ſame charter, that ſuch acts," viz. acts of parliament made expreſſly to refer to us, "ſhall be in force" in this province. There is nothing to this purpoſe expreſſed in the charter, or in our opinion even implied in it. And ſurely it would be very abſurd, that a charter, which is evidently formed upon a ſuppoſition and intention, that a colony is and ſhould be conſidered as not within the realm; and declared by the *very* Prince who granted it to be not within the juriſdiction of parliament, ſhould yet *provide*, that the laws which the ſame parliament ſhould make expreſſly to refer to that colony, ſhould be in force therein. Your Excellency is pleaſed to aſk, "does it follow that the government by their (our anceſtors) removal from one part of the dominions to another loſes its authority over that part to which they remove; and that they are freed from the ſubjection they were under before?" We anſwer, if that part of the King's dominions to which they removed was not then a part of the realm and was never annexed to it, the parliament loſt no authority over it, having never had ſuch authority; and the emigrants were conſequently freed from the ſubjection they were under before their removal. The power and authority of parliament being conſtitutionally confined within the limits of the realm and the nation collectively, of which alone it is the repreſenting and legiſlative aſſembly. Your Excellency further aſks, "will it not rather be ſaid, that by this their voluntary removal, they have relinquiſhed for a time at leaſt, one of the rights of an Engliſh ſubject, which they might if they pleaſed have continued to enjoy, and may again enjoy, whenever they return to the place where it can be exerciſed;" to which we anſwer, they never did relinquiſh the right to be governed by laws made by perſons in whoſe election they had a voice. The King ſtipulated with them that they ſhould have and enjoy all the liberties of free and natural ſubjects born within the realm, to all intents, purpoſes and conſtructions whatſoever; that is, that they ſhould be as free as thoſe who were to abide within the realm: Conſequently he ſtipulated with them that they ſhould enjoy and exerciſe this moſt eſſential right, which diſcriminates freemen from vaſſals, uninterruptedly in its full ſenſe and meaning; and they did and ought ſtill to exerciſe it, without the neceſſity of returning, for the ſake of exerciſing it, to the nation or ſtate of England.

We cannot help obſerving, that your Excellency's manner of reaſoning on this point, ſeems to us to render the moſt valuable clauſes in our charter unintelligible; as if perſons going from the realm of England to inhabit in America ſhould hold and exerciſe there a certain right of Engliſh ſubjects; but in order to exerciſe it in ſuch manner as to be of any benefit to them, they muſt *not inhabit* there, but return to the place where alone it can be exerciſed. By ſuch conſtruction, the words of the charter can have no ſenſe or meaning. We forbear remarking upon the abſurdity of a grant to perſons born within the realm, of the ſame liberties which would have belonged to them if they had been born within the realm.

Your Excellency is diſpoſed to compare this government to the variety of corporations, formed within the kingdom, with power to make and execute by-laws, &c. And becauſe they remain ſubject to the ſupreme authority of parliament, to infer that this colony is alſo ſubject to the ſame authority. This reaſoning appears to us not juſt. The members of thoſe corporations are reſident within the kingdom, and reſidence ſubjects them to the authority of parliament, in which they are alſo repreſented: Whereas the people of this colony are not reſident within the realm. The charter was granted with the expreſs purpoſe to induce them to reſide without the realm; conſequently they are not repreſented in parliament there. But we would aſk your Excellency, Are any of the corporations formed within the kingdom, veſted with the power of erecting other ſubordinate corporations? Of enacting and determining what crimes ſhall be capital? And conſtituting courts of common law with all their officers, for the hearing, trying and puniſhing capital offenders with death? Theſe and many other powers veſted in this government plainly ſhow that it is to be conſidered as a corporation in no other light, than as every ſtate is a corporation. Beſides, appeals from the courts of law here, are not brought before the Houſe of Lords, which ſhows that the Peers of the realm are not the Peers of America; but all ſuch appeals are brought before the King in Council, which is a further evidence that we are not within the realm.

We conceive enough has been ſaid to convince your Excellency, that, when our predeceſſors firſt took poſſeſſion of this plantation or colony by a grant and charter from the crown of England, it *was not* and never had been the ſenſe of the kingdom, that they were to remain ſubject to the ſupreme authority of parliament." We will now with your Excellency's leave, enquire what *was* the ſenſe of our anceſtors of this very important matter.

And as your Excellency has been pleaſed to tell us, you have not diſcovered that the ſupreme authority of parliament has been called in queſtion even by private and particular perſons until within ſeven or eight years paſt, except about the time of the anarchy and confuſion in England which preceded the reſtoration of King Charles the ſecond, we beg leave to remind your Excellency of ſome parts of your own hiſtory of Maſſachuſetts-Bay. Therein we are informed of the ſentiments of "perſons of influence" after the reſtoration, from which the hiſtorian tells us, ſome parts of their conduct, that is of the General Aſſembly, "may be pretty well accounted for." By the hiſtory it appears to have been the opinion of thoſe perſons of influence, "that the ſubjects of any Prince or ſtate had a natural right to remove to any other ſtate or to another quarter of the world, unleſs the ſtate was weakened or expoſed by ſuch remove; and even in that caſe, if they were deprived of the right of all mankind, liberty of conſcience, it would juſtify a ſeparation and *upon their removal their ſubjection determined and ceaſed.*" That "the country to which they had removed, was claimed and poſſeſſed by independent princes, whoſe right to the lordſhip and ſovereignty thereof had been acknowledged by the Kings of England," an inſtance of which is quoted in the margin; "That they themſelves had actually purchaſed for valuable conſideration, not only the ſoil but the dominion, the lordſhip and ſovereignty of thoſe princes," without which purchaſe "in the ſight of God and men they had no right or title to what they poſſeſſed." That they had received a charter of incorporation from the King, from whence aroſe a new kind of ſubjection, namely, "a voluntary, civil ſubjection;" and by this compact "they were *to be governed by laws made by themſelves.*" Thus it appears to have been the ſentiments of *private* perſons, though perſons by whoſe ſentiments the public conduct was influenced, that their removal was a juſtifiable ſeparation from the mother ſtate, upon which their ſubjection to that ſtate determined and ceaſed. The ſupreme authority of parliament, if it had then ever been aſſerted, muſt ſurely have been called in queſtion by men, who had advanced ſuch principles as theſe.

The firſt act of parliament made expreſſly to refer to the colonies was after the reſtoration. In the reign of King Charles the ſecond, ſeveral ſuch acts paſſed. And the ſame hiſtory informs us there was a difficulty in conforming to them, and the reaſon of this difficulty is explained in a letter of the general aſſembly to their Agent, quoted in the following words, "they apprehended them to be an invaſion of the rights, liberties and properties of the ſubjects of his Majeſty in the colony, *they not being repreſented in parliament*, and according to the uſual ſayings of the learned in the law, the laws of England were bounded within the four ſeas, *and did not reach America*; however as his Majeſty had ſignified his pleaſure that thoſe acts ſhould be obſerved in the Maſſachuſetts, they had made proviſion by a law of the colony that they ſhould be ſtrictly attended." Which proviſion by a law of their own would have been ſuperfluous, if they had admitted the ſupreme authority of parliament. In ſhort, by the ſame hiſtory it appears that thoſe acts of Parliament as ſuch were diſregarded; and the following reaſon is given for it, "it ſeems to have been a *general* opinion that acts of Parliament had no other force, than what they derived from acts made by the General Court to eſtabliſh and confirm them."

But ſtill further to ſhow the ſenſe of our anceſtors reſpecting this matter, we beg leave to recite ſome parts of a narrative preſented to the Lords of Privy Council by Edward Randolph, in the year 1676, which we find in your Excellency's Collection of Papers, lately publiſhed. Therein it is declared to be the ſenſe of the colony, "that no law is in force or eſteem there, but ſuch as are made by the General Court, and therefore it is accounted a breach of their privileges, and a betraying of the liberties of their commonwealth, to urge the obſervation of the laws of England." And further, "That no oath ſhall be urged or required to be taken by any perſon, but ſuch oath as the General Court hath conſidered, allowed and required." And further, "there is no notice taken of the act of navigation, plantation or any other laws made in England for the regulation of trade." "That the government would make the world believe they are a free ſtate and do act in all matters accordingly." Again, "Theſe magiſtrates ever reſerve to themſelves a power to alter, evade and diſannul any law or command, not agreeing with their humour or the abſolute authority of their Government, acknowledging no ſuperior." And further, "He (the Governor) freely declared to me, that the laws made by your Majeſty and your Parliament, obligeth them in nothing, but what conſiſts with the intereſts of that colony, that the legiſlative power and authority is and abides in *them ſolely*. And in the ſame Mr. Randolph's letter to the Biſhop of London, July 14, 1682, he ſays, "This *independency* in government, claimed and daily practiced." And your Excellency being *then* ſenſible, that this was the ſenſe of our anceſtors, in a marginal note in the ſame Collection of Papers obſerves, that "This," viz. the proviſion made for obſerving the acts of trade, "is very extraordinary, for this proviſion was an act of the colony declaring the acts of trade ſhall be in force there." Although Mr. Randolph was very unfriendly to the colony, yet as his declarations are concurrent with thoſe recited from your Excellency's Hiſtory, we think they may be admitted for the purpoſe for which they are now brought.

Thus we ſee, from your Excellency's Hiſtory and publications, the ſenſe our anceſtors had of the juriſdiction of parliament under the firſt charter. Very different from that which your Excellency is *your Speech* apprehends it to have been.

It appears by Mr. Neal's hiſtory of New-England, that the agents who had been employed by the colony to tranſact its affairs in England at the time when the preſent charter was granted, among other reaſons gave the following for their acceptance of it, viz. "The general court has with the King's approbation as much power in New-England, as the King and Parliament have in England; they have all Engliſh privileges, and can be touched by *no laws*, and by no tax but of their own making." This is the earlieſt teſtimony that can be of the ſenſe our predeceſſors had of the ſupreme authority of Parliament under the preſent charter. And it plainly ſhows, that they, who having been freely converſant with thoſe who framed the charter, muſt have well underſtood the deſign and meaning of it, ſuppoſed that the terms in our charter "full power and authority," intended and were conſidered as a *fair* and excluſive power, and that there was no "reſerve in the charter to the authority of parliament, to bind the colony" by any acts whatever. (3)

Soon after the arrival of the charter, viz. in 1692, your Excellency's hiſtory informs us, "the firſt act" of this legiſlative was a ſort of magna charta, aſſerting and ſetting forth their general privileges, and this clauſe was among the reſt; "no aid, tax, tallage, aſſeſſment, cuſtom, loan, benevolence, or impoſition whatever, ſhall be laid, aſſeſs'd, impoſ'd or levied on any of their Majeſty's ſubjects, or their eſtates, on any pretence whatever, but by the act and conſent of the Governor, Council and Repreſentatives of the people aſſembled in General Court." And though this act was diſallowed, it ſerves to ſhow the ſenſe which the general aſſembly contemporary with the granting the charter had of their ſole and excluſive right to legiſlate for the colony. The hiſtory ſays, "the other parts of the act were copied from Magna Charta;" by which we may conclude that the aſſembly then conſtrued the words "not repugnant to the laws," to mean, conformable to the fundamental principles of the Engliſh conſtitution. And it is obſervable that the lords of privy council, ſo lately as in the reign of Queen Anne, when ſeveral laws enacted by the general aſſembly, were laid before her Majeſty for her allowance, interpreted the words in this charter, "not repugnant to the laws of England," by the words "as nearly as conveniently may be agreeable to the laws and ſtatutes of England." And her Majeſty was pleaſed to diſallow thoſe acts, not becauſe they were repugnant to any law or ſtatute of England made expreſſly to refer to the colony, but becauſe divers perſons by virtue thereof were puniſhed without being tried by their peers in the ordinary "courts of law," and "by the ordinary rules and known methods of juſtice;" contrary to the expreſs terms of Magna Charta, which was a ſtatute in force at the time of granting the charter, and declaratory of the rights and liberties of the ſubjects within the realm.

You are pleaſed to ſay, that "our Provincial or local Laws have in numerous inſtances had relation to Acts of Parliament made to reſpect the Plantations and this Colony in particular." The authority of the Legiſlature, ſays the ſame author who is quoted by your Excellency "does not extend ſo far as the foundamentals of the Conſtitution." "They ought to conſider the fundamental Laws as ſacred, if the Nation has not in every expreſs terms, given them the power to change them. For the Conſtitution of the State ought to be fixed: and ſince that was firſt eſtabliſhed by the Nation which afterwards truſted certain perſons with the legiſlative power, the fundamental laws are excepted from their commiſſion." Now the Fundamentals of the Conſtitution of this Province are ſtipulated in the Charter, the reaſoning therefore in this caſe holds equally good. Much leſs then ought any acts or doings of the General Aſſembly, however numerous to neither of which your Excellency has pointed us, which barely relate to Acts of Parliament made to reſpect the Plantations in general or this Colony in particular, to be taken as an acknowledgment of this people, or even of the Aſſembly which inadvertently paſſed them, Acts, that we are ſubject to the ſupreme authority of Parliament. And with ſtill leſs reaſon are the deciſions in the executive Courts to determine this point. If they have adopted that as "part of the Rule of Law" which in fact is not, it muſt be imputed to inattention or miſtake in judgment, and cannot juſtly be urged as an alteration or reſtriction of the legiſlative Authority of the Province.

Before we leave this part of your Excellency's Speech we would obſerve, that the great deſign of our Anceſtors in leaving the Kingdom of England, was to be freed from a ſubjection to its ſpiritual Laws and Courts, and to worſhip God according to the dictates of their conſciences. Your Excellency in your Hiſtory obſerves, that this deſign was "to obtain for themſelves and their poſterity the Liberty of worſhipping God in ſuch manner as appeared to them moſt agreeable to the ſacred Scriptures." And the General Court themſelves declared in 1631, that "ſeeing juſt cauſe to fear the perſecution of the Biſhop, and high Commiſſion for not conforming to the ceremonies of thoſe under their power, they thought it their ſafeſt courſe, to get to this out ſide of the world out of their view and *beyond their reach*." But if it had been their ſenſe, that they were ſtill to be ſubject to the ſupreme Authority of Parliament, they muſt have known that their deſign might and probably would be fruſtrated; that the Parliament, eſpecially conſidering the temper of thoſe times, might make what eccleſiaſtical Laws they pleaſed, expreſſly to refer to them, and place them in the ſame circumſtances with reſpect to religious matters, to be relieved from which was the deſign of their removal. And we would add, that if your Excellency's conſtruction of the clauſe in our preſent Charter is juſt, another clauſe therein, which provides for Liberty of Conſcience for all Chriſtians except Papiſts, may be rendered void by an Act of Parliament made to refer to us, requiring a conformity to the rites and modes of worſhip in the Church of England or any other.

Thus we have endeavoured to ſhew the ſenſe of the people of this colony under both Charters; and if they have been in any late inſtances of ſubmiſſion to Acts of Parliament, it has been in our opinion, rather from inadvertency or conſideration or a reluctance at the idea of contending with

§ ſee Hutchinſons ſpeech page 213. ‖ ſee our Charter pa. 1077. Vol. 2. ¶ vid pa 229. — vid Magna Charta pa. 790. Vol. 2. × Britiſh Liberties, are viz. Magna Charta, pa. 790, 1050, ſtatutum of eight pa 876, — Bill of right, pa, 1063. Vol. 2. (1) See pa 1070. Vol 2. (2) ſee the time, pa. 1052. Vol. 2. (3) ſee pa. 1077. Vol 2.

present state, than from a conviction or acknowledgement of the supreme Legislative Authority of Parliament.

Your Excellency tells us, "you know of no Line that can be drawn between the supreme Authority of Parliament and the total independence of the Colonies." If there be no such Line, the consequence is, either that the Colonies are the Subjects of the Parliament, or, that they are totally Independent. As it cannot be supposed that we have been the intention of the Parties in the Compact, that we should be reduced to a State of Vassallage, the conclusion is, that it was their sense, that we were thus Independent. "It is impossible, your Excellency says, that there should be two independent Legislatures in one and the same State." May we not then further conclude, that it was their sense that the Colonies were by their Charters made distinct States from the Mother Country? Your Excellency added, "For although there may be but one Head, the King, yet the two legislative Bodies will make two Governments as distinct as the Kingdoms of England and Scotland, before the Union." Very true, may it please your Excellency; and if they interfere not with each other, what hinders but they be long united in one Head and common Sovereign, they may live happily in that Connection and mutually support and protect each other? Notwithstanding all the Terrors which your Excellency has pictured to us as the effects of a total Independence, there is more reason to dread the Consequences of absolute uncontrouled supreme power, whether of a Nation or a Monarch, than those of a total Independence. It would be a misfortune "to know by experience, the difference between the Liberties of an English Colonist and those of the Spanish, French and Dutch." And since the British Parliament has passed an Act which is executed even with rigour, though not voluntarily submitted to, for raising a Revenue and appropriating the same without the consent of the People who pay it, and have claimed a power of making such Laws as they please to order and govern us, Your Excellency will excuse us in asking, whether you do not think we already experience too much of such a difference, and have not reason to fear we shall soon be reduced to a worse situation than that of the Colonies of France, Spain or Holland.

If your Excellency expects to have the Line of distinction between the supreme authority of Parliament and the total Independence of the Colonies drawn by us, we would say that it would be a very arduous undertaking, and of very great importance to all the other Colonies; and therefore, could we conceive of such a Line, we should be unwilling to propose it without their Consent in Congress. (b)

To conclude, These are great and profound questions. It is the grief of this House, that by the ill policy of a late injudicious Administration, America has been driven into the contemplation of them. And we cannot but express our concern, that your Excellency by your Speech has reduced us to the unhappy Alternative, either of appearing by our Silence to acquiesce in your Excellency's Sentiments, or of thus freely discussing this point.

After all that we have said, we would be far from being understood to have in the least abated that just Sense of Allegiance which we owe to the King of Great-Britain, our rightful Sovereign: and should the people of this Province be left to the free and full exercise of all the Liberties and Immunities granted to them by Charter, there would be no danger of an Independence on the Crown. Our Charter reserves great Power to the Crown in the Representative, fully sufficient to balance, analagous to the English Constitution, all the Liberties and Privileges granted to the People. All this your Excellency knows full well——And whoever considers the Power and Influence, in all their Branches, reserved by our Charter to the Crown, will be far from thinking that the Commons of this Province are too independent.

The foregoing Answer to his Excellency's Speech was presented last Thursday. (a)

BOSTON, *February* 1. 1773.

Thursday last the General Assembly made choice of the following Civil Officers for the Year ensuing.

The Hon. *Harrison Gray*, Esq; Treasurer and Receiver-General.

The Hon. *Thomas Cushing*, Esq; Commissary-General.

The Hon. *James Russell*, Esq; Impost-Officer.

Truck-Master for Fort *Pownall*, Mr. *Jedediah Pribble*, jun.

Last Week his Majesty's Council made choice of the Rev. Mr. *Charles Turner*, jun. of Duxbury, to preach the Sermon on the Anniversary Election the last Wednesday in May next.

Mr. DRAPER, *By publishing the following, in* VIRTUE, *you'll oblige a constant Reader of your entertaining Paper.*

WHILE some in pleasure's flow'ry lap repose,
And in their arms her fleeting charms enclose;
Him in a maze of folly while they've breath
And thus prepare for everlasting death;
Let sacred VIRTUE, friend of human kind!
Raise ev'ry thought of my immortal mind!
Her heav'nly charms afford that solid joy
Which time can't weaken, age nor death destroy.
True, 'tis a narrow, strait and thorny road;
But Oh! it leads to heav'n that blest abode,
Where happy spirits in seraphic lays
Adore th' Eternal, Ancient SIRE of DAYS!
Tho' sensual pleasures flash upon the sight,
And for a moment give a mock-delight;
Tho' when grim death displays before our eyes
His glitt'ring scythe; th' illusive phantom flies!
How happy then's the man whose virt'ous mind
Resembles the Great Parent of mankind!
Thro' variant life, true pleasure's golden rays,
Will gild the morn, and ev'ning of his days.
Time rapid flies; man's course is quickly run;
And all is vanity beneath the Sun!
Then spurn this globe: mount th' ethereal skies!
ETERNAL LIFE is VIRTUE's glorious prize.

Boston, Jan'y. 25. 1773. LYSANDER.

Mr. DRAPER,

AS I am fond of seeing the Efforts and Progress of American Genius, I seldom fail of reading whatever Pamphlets, Essays, News-Papers, &c. is issued in this Neighbourhood through the Press into Public Life: And among other Subjects of important Speculation have not been a little amused with the various Opinions of our Learned upon that of *Church Power and Authority*, where it originates and in whom it resides.

In the Controversy long agitated between Doctors Chandler and Chauncy, I find Dr. Chandler asserting, "That it is an essential Doctrine of the Church of "England that none have any Authority in the Christian "tian Church but those who derive it from Christ, "either mediately or immediately." This, says Dr. Chauncy, is not a Doctrine peculiar to the English Church, every other Christian Church of whatever Denomination holds the same. The Churches in the Colonies are certainly of this Opinion." Answer to Appeal, P. 14.—We again agree, say's Dr. Chauncy, with the Dr. (Chandler) when he says, "That the Apostles understood the Laws of Christ,—"that they were conducted by the Spirit of God,—"that they have given explicit and particular Rules "for the Government of the Church,—that the public Practice of the Apostles is a faithful and plain Comment on the Laws of Christ, and of equal Authority with any written Instructions that *our Blessed Saviour committed the Government of his Church to them*,—that this Government was exercised by them "——and *that they convey'd it to others, to be communicated to others till to the latest Posterity.*" Thus far we are perfectly agreed. P. 19. 20.

From the Declarations and Agreements of these great Divines, as above cited, it should seem that all Ecclesiastical Rule or Jurisdiction, viz. Authority to preach—to ordain—to administer the Sacraments—to bless the Congregation—to denounce Church Censures, &c. —is by the Church of England and the Churches in the Colonies universally held to be in the *Pastors of the Christian Church, and in them only*; as Successors of the Apostles.—A Doctrine which I had learned to venerate from my earliest Reading, as being to my best Apprehension both scriptural and reasonable.

About the same Time when the above Pamphlets came abroad a new Edition of the Platform of the New-England Churches, with such a pompous Recommendation that Curiosity could not fail to peruse it; There, in Contradiction to what is above asserted, I found that the proper Residence of Church Power is in each Congregational Church.

Chap. V. "Of the first Subject of Church Power, "or in whom Church Power doth first belong."

"The first Subject of Church Power is either supreme "or subordinate and ministerial: the supreme (by way "of Gift from the Father) is the Lord Jesus Christ: "the ministerial is either *extraordinary* as the Apostles, "Prophets, and Evangelists, or *ordinary*, as *every "particular* Congregational Church."

Before I could lay aside my former Sentiments and get settled in this new opinion, out comes the Declaration of the Town of Boston. This ancient and learned Body being duly warned and legally assembled on express Purpose to consider and determine the Rights of the Colonists as Men, as Christians and as Subjects, (Art. II.) The Rights of the Colonists as Christians. "These may be best understood by reading and carefully studying the Institutes of the Great Lawgiver and "Head of the Christian Church, which are to be "found clearly written and promulgated in the New-"Testament." P. 7, of their Pamphlet.

"And we are further of Opinion that no Power on "Earth can justly give either temporal or *spiritual* "*Jurisdiction* within this Province except *the Great* "*and General Court.*" An Opinion which whether because it is *best founded* or because it is of latest Coinage, I know not; but which is making such a rapid Progress thro' the Province, being adopted generally by the Towns in their legal Town-Meetings, that in a very little Time I think it may be stiled the *Established Opinion of the Province.* After which I presume the Clergy will be obliged to take out their Commissions from the Great and General Court, prior to their Exercise of the Ministry, who of Course will be the Judges of their Abilities and good Behaviour.—A Determination of singular Advantage both to the Clergy and the Province,—to the former as they will be relieved from the Oppression of unauthorized Councils,—to the latter, as it will not be in the Power of every assuming Field-Orator to call off Crowds of People from their honest and proper Business, to attend their noisy ill-tending Harangues, to the Injury of their Families and Morals. I should only be glad to know whether the New-Commissions are to be *during Pleasure* or *during good Behaviour*, or *for Life.*

I am, Mr. Printer, your humble Servant, B. T.

BOSTON.

We hear from Lancaster, in New-Hampshire, that the Dwelling-House of Mr. Buckman of that Town, lately took Fire and was consumed, together with all his Furniture, &c. to the Value of £. 100 L. M.

Last Tuesday se'nnight a large new Dwelling-House, belonging to Mr. Hyman, of Cornwall, in Connecticut, catch'd on Fire and was entirely consumed.

Died at Shutesbury on the 27th of December last, Mr. *Abraham Hill*, jun'r. Æ. 22, eldest Son of the Minister. And it may be *noticed as remarkable*, that the last preceding Death there, was that of his Sister on the 28th of October, 1771.—So that for *above 14 Months*, the Time which intervened between these two, there has been *no other Instance* of Mortality in the Town.

Died at Windham in Connecticut. Mr. Thomas Brown, about three Weeks before he had broke his Thigh, and was in a fair Way of doing well, but suddenly complaining of feeling strangely, immediately expired.

We hear from Norwich, that Widow Mary Bushnel, being on a Visit at her Father's (Capt. John Leffingwell's) and coming down Stairs she broke one of her Thighs in such a manner that her Life was in danger.

Josiah Quincy, jun'r.

Having, for the Benefit of his Health, embarked for *South Carolina*, presents his hearty Thanks to his Fellow-Citizens and Countrymen for the many Favours he has received from them. He has taken every Precaution in his Power to prevent his Clients suffering from his Absence, by assigning over his Business to his Brethren of the Profession, who have with much Goodness promised their best Care of the Causes severally committed to them.

Mr. Quincy desires his Clients SEASONABLY to apply to his Clerks, at his Office, who will give them a full Account of the State of their Actions, when they will come on to Trial, what Steps ought to be taken, and with whom they are entrusted.

Mr. *Quincy* intends returning to Boston in the Month of *May* or *June*, and in the mean Time his Clerks will give their Attendance at his Office.

J. Quincy, jun'r.

Boston, February 1. 1773.

To the Encouragers of LITERATURE.

MR. DELILE, Professor of the French Language, having always been desirous of meriting the esteem of the learned world, and rendering himself worthy of the encouragement of the public in general, by the cultivation of the BELLES LETTRES, proposes to publish by subscription, among many other of his performances, the following, viz.

1st. His French and English Rudiments, by the help of which a scholar may learn French with very little assistance from a master. This performance is entirely new in its kind.

2d. A Latin discourse, on the arts and sciences, against several paradoxes of the celebrated *Jean Jacques Rousseau* of Geneva.

3d. His French Oration, delivered at the Academy Monday the 17th December last; on which occasion the public favor'd him with the kindest testimony of their benevolence, and a copy of which has been earnestly requested by many Gentlemen. The most eloquent fragments of this oration will be translated into English.

4th. Two French Odes, in the manner of *Pindar*. One of them a description of the terrible earthquake, which happen'd at Hispaniola, 3d May, 1770. The subject of the other is the *English Nation*. The Public perhaps will not be displeased at the sight of the following strophes, in which the author paints the traits of the English Nation for the sciences.

1st.	2d.
Suivons l'Anglois dans sa patrie,	*D'Athenes Londres a rivalé,*
Je le prie, ami des beaux arts,	*Elle a de même ses Platons;*
Cultiver Pallas fleurie	Rome ne lui fut point égale,
Et briser ses glaives et ses dards. *	*Ses fastes mangent de Bacons.*
Lo, l'auguste Philosophie,	Horace, Virgile et Terence,
S'aidant de la sage Uranie,	*Dans leur sublime effervescence,*
Mesure la terre et les cieux:	*Sont éclipsés près de Milton.*
Ici, l'ardente Poésie,	Look *s'il auroit une carriere,*
Aux sons de l'Eloquence unie,	*Où lui seul crée la lumiere,*
Vit en convers avec les dieux.	*Imitateur du grand Newton.*

* The author describes in the stanza preceeding those inserted the exploits of the English in war.

These performances will be published in two seperate volumes. One containing the rudiments and the odes; the other the oration and discourse. Subscriptions, at one dollar each, will be taken at the academy—Mess'rs *Gee & Berry*'s and *Knox*'s Book-Stores—Mr. *James Lowell*—Mr. *Draper*'s—and Mess'rs. *Fleets*.

Mr. Delile desires that those Gentlemen, who study under him, would please to remember that he gives constant Attendance at the Academy, Mondays, Wednesdays and Fridays, at any hour in the day, and till 9 in the evening, according as their business will admit of their leisure to attend.

At Mr. *M'Lean*'s, Watch-Maker, near the Town-House, is a Negro Man, whose extraordinary Genius has been assisted by one of the best Masters in *London*; he takes Pieces at the lowest Rates. Specimens of his Performance may be seen at said Place.

TO BE SOLD
By *John Head*,
At his Store on the South-Side of the Town-Dock,
Cyder Brandy
By the Barrel at 1/3 Lawful Money.

N. B. The above BRANDY is by Experience found to be the best Preservative of CYDER: It should be put in when the Cyder is taken into the Cellar in order to check the Fermentation, and every Time if it is drawn off some of the Spirit should be added the whole Quantity from one to two Gallons to a Barrel as much depends on the Cellar.

TO BE SOLD by Retail at Two Shillings per Gallon
At Mr. William Maxwell's,
Opposite the Bunch of Grapes in King-Street. And at Henry Barns's in *Marlborough*.

The best of fresh Lisbon and Malaga LEMMONS, by the Box or by Retail, to be Sold by JOHN CROSBY, at the Sign of the Basket of Lemmons, South-End, *Boston*. Also, by Retail, Superfine Flour, Brown Bread, Black-Ball, and Pomatum.

We the Subscribers being appointed Commissioners by the Hon'ble JOHN CUSHING, Esq; Judge of the Probate of Wills, &c. for the County of Plymouth, to receive and examine the Claims of the several Creditors to the Estate of *John Atwood*, late of *Plymouth*, Mariner, deceased, represented Insolvent, do give publick Notice, that we shall attend that Service at the House of Mr. *Thomas Wetherell*, Innholder in *Plymouth*, on the last Mondays of this and the five following Months, from eleven to one o'Clock, A. M.

Plymouth, January 19. 1773. *Thomas Foster*, *Edward Winslow*, jun.

To be given away, a Negro Female Child, two Months old. Enquire of the Printer.

See Gazette *Extraordinary.*

(c) The pillars of the Constitution of England are, viz. magna Charta, see pa. 790, 1052, petition of right, pa. 816. Bill of rights, &c. 1053, 2d. vid proceedings of the Town page 1085. 3rd vid page 1094. 4th vid proceedings of Town, under Towns in ye Index

(a) see Letter to L. Hillsborough pa. 947, Vol. 2, which confirms this answer.

(b) see under Congress Continental

§ See Speech pa. 219. ‖ vid Our Charter pa. 1077, Vol. 2.
† See Tea Act page 735, Vol. 1. ‡ vid declaratory act page 792. Vol. 1.
¶ Vol. 1 — pa. 369. Vol. 2. ✠ There were 97 Members, and all unanimous, vid pa. 228.

Henry Laughton

HAS Imported in the last Ships from LONDON,

A general Assortment of Goods suitable for all Seasons, which he sells at his Shop the Corner of School-street, near the Old South Meeting, at the lowest Rates for Cash.

ALSO, a great Variety of black, blond & trolly Laces of the best Patterns, Puffings, Edgings and Coxcombs; some very fine whole and half width Laces for Aprons and Lappits, purchas'd of the Makers in the Country, and will be sold as low as the first Cost in London.

Hannon's much approved CHOCOLATE,

Ground exceedingly fine, and warranted *pure*, may be had in any Quantities, from 50 to a 1000 weight, at the shortest Notice, put up in the best Manner, and upon the very lowest Terms, for Cash or Cocoa, of

Breck and Hammatt,

AT their Store the Corner of GREENE's Wharf, where Country Traders may be supplied with every Article of West-India Goods and Groceries, in large or small Quantities, as cheap as at any Store in BOSTON.

TO BE LETT,

And enter'd upon the beginning of April next,

A large Farm lying in the Town

of *Brookfield*, about a Mile from the Meeting-House, containing between 3 and 400 Acres of good Pasturing, Plowing, Mowing and Orcharding, now in the Occupation of Mr. *John Ware*, Innholder in said Town; there are on said Farm a large double House, two large Barns, &c.—Any Person inclining to hire it, or to take it on any other Terms, may know further by applying to

Duncan Ingraham,

in CONCORD, Who has for Sale

A large Assortment of English and West-India GOODS, Wholesale and Retail, as cheap as at any Store in Boston.

N. B. Good Hogshead Hoops, Lumber, and Grain of all Sorts will be received as Payment for Goods.

A Tailor that is a good

Workman, being at present out of Employ, would be glad to work at low Wages by the Day or Week, in any Gentleman's Family. Enquire of the Printer.

To be given away,

A very likely, hearty, Female Negro Child, of as fine a Breed as any in America. Enquire of the Printer.

Just IMPORTED by

Samuel A. Otis,

And to be sold at Store No. 1, Butler's Row, Boston and Rivers Dock,

BOHEA TEA by the chest hundred or dozen, Loaf Sugar, double and single Refin'd, Hyson Tea of the first quality at 4 dollars per pound, Best Durham Mustard, Pepper, Brimstone, Lead, Copperas, & other groceries,

Codlines, Twine, Spott, Nails, Glass, & Hard-Ware. Also as usual, N. England Rum per barrel, Chocolate, per box or doz, Sugars per barrel, Barr-Iron, and Anchors, Firkin Butter.

Where may be had,

A few Packs of most excellent Elizabeth Island SHEEPS WOOL.

☞ As said Otis is determined in future to deal only for Cash, Customers may depend upon the lowest Prices upon all Articles.

CHOCOLATE

of the best Quality (made by Deacon *Davis*) therefore warranted,

To be sold at William Taylor's *Store*, in King-Street,

Where Masters of Vessels and others may be supplied by the Hundred, Box, or Dozen, as cheap as at any Store in Town.

Also to be Sold at said Store,

Choice Barbados, St. Kitts and Granada Rum, by the Hogshead or less Quantity,
Sugars per Hogshead, Barrel, or less,
Double & single refin'd Sugars,
Choice Bohea Tea per hundred, dozen or single pound,
A small parcel choice COCOA,
Green Coffee per Quantity,
Rice, Race & ground Ginger,
Cotton per Bag or less Quantity,

New Raisins & Currants,
Pepper, Pimento,
Spices of all sorts, fresh & good,
The best of French Indigo,
Allum, Copperas & Brimstone,
London T D and Bristol 25 Inch Pipes,
Excellent Logwood & Brasiletto
A few Quintals best dumb Fish, and about 200 Quintals of Jamaica Ditto.
Choice Narraganset Cheese,

Also a full Assortment of Ship-Chandlery.

TO BE SOLD CHEAP,

The large Brick Dwelling-House

in King-Street, in the Occupation of Mr. *John Coburn*, with the Garden, Land and Out-Houses belonging to it. The House measures in Front 38 Feet 3 Inches: The Land from Front to Rear extends almost an Hundred and Twenty Feet.—It is finely situated, and has every Accommodation for Business and Convenience.——

Those who incline to purchase, by applying to SAMPSON S. BLOWERS, at his Office in King-Street, may receive further Information.

WANTED

A very compleat Chaise Horse, for which a generous Price will be given, if one is offered that may suit *in all Respects*. Enquire of the Printer.

IMPORTED

in sundry Vessels lately arrived from England, by

Smith & Atkinson,

And now Opening at their Store in King-Street,

A large and very general Assortment of Piece Goods suitable for the Fall Trade, which would be equally tedious & unnecessary to enumerate here, these Goods have been purchased on the best Terms, and will be sold (by Wholesale only) at such Rates as may encourage all Retailers in Town and Country, as well those who usually Import their Goods, as others to apply for such Articles as may be needful to compleat their Assortments, there being at all Seasons at the above Store, a great Variety of Piece Goods.—Due Encouragement will be given to those who pay ready Money.

N. B. Gun Powder, English Sail Duck, &c.—POTT-ASH KETTLES, Pig & Bar-Iron Manufactured at Salisbury, from the best Mountain Ore.

TO BE SOLD, at Wholesale or Retail, by

Joseph Palmer & Son,

At their Store opposite the Golden-Ball, *BOSTON*:

Palmer's common Chocolate,

as cheap and good as any; excepting only, some which they make of a Superior Quality, fit for any Gentleman's Table.—Also, Cocoa, Sugars, Tea, Flour, Flax, Table Fish, Hollow-Ware, Glass Ware, Indigo, Raisins, &c.

N. B. These are English GOODS at said Store; now Selling off very cheap for Cash, West-India Goods or any kind of Barter that may suit.

Choice Dumb Fish

To be Sold cheap for Cash. Apply to JEREMIAH WEBB, near the New-North Church, or to PETER CLARK at FRANCIS FREE's opposite Christ Church.

To *Nathaniel Greene*, of *Boston*,

Clerk to the Proprietors claiming and holding under the Ten Original Proprietors of one Sixth Part of a Tract of undivided Land lying and being at a Place commonly called *Muscongus*, at the Eastern Part of the Province of the *Massachusetts-Bay*, formerly granted by the Council of *Plymouth* to *John Beauchamp* and *John Leverett*:

WE the Subscribers, five Proprietors of said *Muscongus* Tract of Land, desire that you will notify the Proprietors holding under the aforesaid Ten Original Proprietors to meet at Col. *Joseph Jaffer fol's* in *Boston*, on Tuesday the 25d Day of *February* next, then and there to act on the following Articles,

1st. To choose a Moderator.

2d. To choose a Clerk and such other Officers as they shall think proper.

3d. To raise such Sums of Money as shall be thought proper to carry on the Affairs of said Proprietors.

4th. To make Partition with the Heirs and Assigns of the late *Samuel Waldo*, Esq; and to choose a Committee to receive and execute proper Deeds of Quit-Claim and Partition accordingly.

5th. To pass such Orders as may be thought expedient for the Managing, Improving and Dividing said Lands not before Rated and divided.

Boston, January 22, 1773.

William Vassall
Richard Lechmere
Benjamin Harrod
Archibald McNiel
William Hunt.

Pursuant to the above Petition to me directed, I do hereby Notify and Warn the Moresaid Proprietors to meet at the Time and Place for the Purposes above-mentioned.

NATH'L GREENE, Prop'rs. Clerk.

WHEREAS the Great and General Court or Assembly at their Sessions in February 1768, granted a tax of one penny half penny per acre on all the lands in the town of Westminster, in the county of Worcester—And whereas said tax has been duly assessed and published agreeable to law; and some persons proprietors or owners of said lands neglect or refuse to pay the same. And whereas the General Court at their Sessions in November 1770, made an act or law impowering the Assessors of the town of Westminster, for the time being, to sell so much of the delinquent proprietors or owners lands as shall be sufficient to pay and satisfy said tax, and other incidental charges. And whereas the owners of the following lots are delinquent in paying said tax, viz. the House-Lots, No. 4, 6, 9, 12, 21, 29, 30, 35, 37, 54, 60, 63, 64, 70, 1 H. 71, 76, 77, 78, 82, 92, 93, 106, 107, 109, 111, 117, 119, 104. The second Division, No. 30, 32, 36, 41, 86, 89, 11, 23, 24, 48, 112, 55, 58, 74, 79, 15, 49, 101, 44, 14, 117, 72, 76, 16, 83, 86, 84, 46, 7, 83, 50, 54, 17, 100, 89, 105, 60, 106, 94, 3, 26, 92. The third Division are, No. 10, 9, 52, 31, 117, 106, 75, 46, 14, 93, 69, 53, 114, 111, 45, 82, 85, 39, 97, 33, 12, 109, 91, 8, 121, 33, 4, 49, 43, 107, 81, 83, 98, 20, 74, 94, 110, 24, 103, 60, 11, 70, 113. The fourth Division are, No. 105, 72, 114, 29, 13, 47, 40, 112, 22, 76, 48, 16, 90, 91, 85, 75, 106, 79, 84, 6, 27, 18, 101, 26, 19, 36, 31. The fourth Division Lots belonging to House Lots, No. 54, 56, 62, 107, 42 Acres out. The Meadow Lots are No. 8, 19, 26, 27, 30, 63, 47, 49, 55, 82, 58, 74, 71, 89, 80, 91, 93, 94, 95, 96, 97, 98, 99, 100, 103, 102, 103, 104, 105, 84, 107, 108, 110, 111, 112, 114, 115: NOTICE is hereby given to the above-said delinquents, that their lands will be exposed to sale, at a public Vendue, at the house of Mr. Abner Holden, innholder in said Westminster, on Wednesday the fifth day of May next, at ten of the clock, A. M. and to be continued by adjournment, (if need be) till the whole be sold: unless said tax and charges be paid unto said assessors, before said time of sale.

Westminster, Jan. 29, 1773.

Abner Holden,
Nathan Wood,
Thomas Brigden,
} *Assessors.*

THIS DAY PUBLISHED,

And Sold by THOMAS LEVERETT, in Cornhill,

"Breaking of Bread," in Remembrance of the dying Love of CHRIST, a Gospel Institution.

FIVE SERMONS,

To which the Institution is explained; a general Observance of it recommended and enforced; Objections answer'd; and such Difficulties, Doubts and Fears relative to it, particularly mentioned, and removed, which have too commonly discouraged some from an Attendance at it, and proved to others a Source of Discomfort, in the Regard they have endeavoured to pay to it;

By CHARLES CHAUNCY, D. D.

Pastor of the first Church of Christ in *Boston*.

N. B. A few of Dr. CHAUNCY's View of Episcopacy may be had at the same Place.

JUST Re-printed,

And to be Sold by R. Draper, *in Newbury-Street, and* J. Boyles, *in Marlborough-Street.*

A SERMON,

Preached at the Execution of *MOSES PAUL*, an INDIAN, who was executed at *New-Haven*, on the 2d of *September*, 1772, for the MURDER of Mr. *MOSES COOK*, late of *Waterbury*, on the 7th of *December*, 1771. Preached at the Desire of said PAUL.

By SAMSON OCCOM,

Minister of the Gospel, and Missionary to the *Indians*.

The honest Simplicity and Gospel Sincerity that appears in the above Sermon, induced most Families in Connecticut to purchase them.—The Plainness of Speech to his Brother Indians against the Sin of Drunkenness is striking, and his Address to the Indian that was then to be executed very affecting.

The Plan of Exercise for

the NORFOLK MILITIA, ordered by His Excellency the Governor to be used by the Regiments of Militia in this Province, are to be sold by R. DRAPER, in Newbury-Street.

LOST.

An old Leather Purse with about THIRTY DOLLARS in Silver, was lost last Sat. between *Fanueil* Hall-Market in Boston, and Mr. *Perrin's* in Roxbury: Whoever has found the same and will bring the Money to the Printer hereof so that the Owner may have it again shall have THREE DOLLARS for their Trouble.

TO BE LETT,

A convenient Brick Tenement,

at the Head of Sudbury-Street, consisting of two Parlours and a Kitchen, five upright Chambers, with a Yard and Garden, with good Water; as also, a Barn and Chaise-House adjoining.—Also to be Lett, three Barns in good Repair, at the Head of Wing's-Lane. Enquire of the Printer.

A few Barrels of New-York Newton Pippins

TO BE SOLD

At *Blanchard's* Store

On Dock-Square, near the Market.

TO BE SOLD,

A FARM lying partly in *Charlton*,

and partly in *Oxford*, in the County of *Worcester*, containing two hundred Acres of Land, with a House and Barn thereon, well Fenced with good Stone Wall and watered by a River running through the same: There can be cut thereon Yearly, about forty Tuns of Hay, and made thereon fifty Barrels of Cyder, and is capable of being made one of the best Farms in the County; reasonable Time for Payment will be given the Purchaser on good Security: For further Particulars enquire of *John Chandler*, and *Timothy Paine*, Esq'rs. of *Worcester*. *Worcester, Jan.* 21, 1773.

Boston, January 6. 1773.

ALL Persons that are indebted to the Estate of Capt. *Hopehill Foster*, late of *Boston*, Gentleman, deceased, are desired to make immediate Payment; and all that have any Demands upon said Estate, are desired to bring in their Accounts in Order for a Settlement to *Hopehill Foster*, sole Executor to the Will of the Deceased.

TO BE SOLD by said Executor,

An extraordinary good Negro Fellow, about 21 Years of Age; four Pair of Bedscrews, one Pair of Handscrews, a Horse and Chaise, a Horse Cart, about Twelve Thousand of good dry Boards, a large Scale-Beam that will weigh a Tun an End, and about ten hundred of Weights.

Whereas a major Part in Number

and Value of the Creditors of *Joseph Remick* of *Newbury*, in the County of *Essex*, Shipwright, an insolvent Debtor, have presented their Petition for the Discharge of the said *Joseph Remick*, to the Hon. *Peter Oliver*, and *Foster Hutchinson*, Esq'rs. two of the Justices of the Superior Court, &c.—Public Notice is therefore hereby given to the Creditors of the said *Joseph Remick*, that they may offer their Objections, if any they have to such Discharge, unto the said Justices at the Court House in *Boston*, on Friday the Nineteenth Day of *February* next, from 3 to 4 o'Clock in the Afternoon.

BOSTON: Printed by R. DRAPER.